

MINUTES

**CITY OF CEDAR PARK
REGULAR SCHEDULED CITY COUNCIL MEETING
CEDAR PARK CITY HALL - COUNCIL CHAMBERS
450 CYPRESS CREEK BOULEVARD, BUILDING FOUR
SEPTEMBER 12, 2013 AT 6:30 PM**

Mayor Matt Powell
Stephen Thomas, Council Place One
Mitch Fuller, Council Place Two
Lyle Grimes, Council Place Three

Donald J. Tracy, Mayor Pro Tem
Lowell Moore, Council Place Four
Jon Lux, Council Place Five
Brenda Eivens, City Manager

- A.1 CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN.

Mayor Powell called the meeting to order at 6:32 p.m.

All Council present.

- A.2 Invocation. ⁽¹⁾

A moment of silence was conducted.

- A.3 Pledges Of Allegiance. (U.S. and Texas)

Council led the audience in the Pledges of Allegiance.

Mayor Powell recessed the meeting from 6:32 p.m. to 6:38p.m.

- A.4 Presentation: Employee Recognition For Service With The City Of Cedar Park - Andrew Manhein, IT, Ten Years Of Service.

Josh Selleck, Assistant City Manager, presented a plaque to Andrew Manhein for ten years of service with the City of Cedar Park.

- A.5 Citizen Communications. (Not for items listed on this agenda. Three minutes each. no deliberations with Council. Council may respond with factual information.)

Rae Ann Doerr addressed Council regarding the beautification of Lakeline Boulevard.

A.6 Mayor and Council Opening Comments.

Councilmember Moore congratulated Andrew Manhein on his ten year service award.

Mayor Pro Tem Tracy reflected on the anniversary of 911 and thanked Chief Mannix for the tour of the Regional Intelligence Center.

Councilmember Thomas requested a future agenda item related to the Clean Air Coalition and the ozone advance plan.

Councilmember Fuller recognized the Veterans in the audience.

Councilmember Grimes thanked Eric Rauschuber, Director of Utilities, and his department for the painted street lines during the hot summer conditions.

Mayor Powell commented on the CAMPO meeting and the ride sharing program and also thanked the annexation subcommittee.

A.7 City Manager Report: Certificate Of Achievement For Planning Excellence From The Texas Chapter Of The American Planning Association.

Josh Selleck, Assistant City Manager, and Amy Link, Planning Manager, stated the Development Services Department has again received the Certificate of Achievement for Planning Excellence from the Texas Chapter of the American Planning Association.

A.8 City Manager Report: Emergency Management Program Update - Michael Clanton, Emergency Management Coordinator.

Michael Clanton, Emergency Management Coordinator, addressed Council regarding the rebranding of the City's Emergency Notification System to "CPAlertMe". September is National Preparedness Month.

CONSENT AGENDA

Pursuant to Council Rule 2.3, the City Council Consent Agenda consists of all matters set forth on Agenda Items B, C, and D.

Motion to approve all items on the Consent Agenda consisting of Agenda Items B, C, and D.

Movant: Councilmember Fuller

Second: Councilmember Moore

Vote: 7-0

- B.1 Approval Of City Council Minutes From The Regular Scheduled Meeting Of July 25, 2013.

Approved under the Consent Agenda.

- B.2 Approval Of City Council Minutes From The Special Called Meeting Of July 27, 2013.

Approved under the Consent Agenda.

- B.3 Approval Of City Council Minutes From The Regular Scheduled Meeting Of August 8, 2013.

Approved under the Consent Agenda.

- B.4 Receipt Of Minutes From The Arts Advisory Board Meeting Of July 3, 2013.

Received under the Consent Agenda.

- B.5 Receipt Of Minutes From The Cedar Park Community Development Corporation (Type B) Meeting Of July 9, 2013.

Received under the Consent Agenda.

- B.6 Receipt Of Minutes From The Tourism Advisory Board Meeting Of June 25, 2013.

Received under the Consent Agenda.

- C.1 (OA-13-005) Second Reading And Approval Of An Ordinance Amending Chapter 11, Article 11.01 Zoning Ordinance, Division 2 General Compliance, Section 11.01.010 Portable And Temporary Buildings During Construction To Amend The Regulations Regarding Portable And Temporary Buildings. *The Planning And Zoning Commission Voted 7-0 To Approve This Amendment.*

Approved under the Consent Agenda.

Ordinance Number CO48.13.09.12.C1

- D.1 A Resolution Authorizing And Directing The City Manager To Accept The Transportation Enhancement Program Grant For The RM 1431 Pedestrian Walkway Project.

Approved under the Consent Agenda.

Resolution Number R160.13.09.12.D1

PUBLIC HEARINGS

- E.1 First Reading And Public Hearing Of An Ordinance For The Purpose Of Extending The Boundary Limits Of The City Of Cedar Park, Texas, Providing For The Voluntary Annexation Of Approximately 34.08 Acres Of Land Located Near The Southeast Corner Of South Bell Boulevard And East Little Elm Trail, Otherwise Described By Metes And Bounds In Williamson County, Texas. (ANX-13-001)

Amy Link, Planning Manager, stated this is this first reading and public hearing on the proposed voluntary annexation of approximately 34.08 acres of land located near the southeast corner of South Bell Boulevard and East Little Elm Trail.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.2 (OA-13-008) First Reading And Public Hearing Of An Ordinance Amending Chapter 11, Article 11.02 Zoning Districts And Regulations, Division 18 Local Retail District, Section 11.02.146 Permitted Uses; And Division 19 General Retail District, Section 11.02.156 Permitted Uses; And Division 20 Commercial Services District, Section 11.02.164 Permitted Uses; And Division 38 Land Use Chart Comparison, Section 11.02.342 Zoning District Chart Nonresidential Districts; And Article 11.12 Definitions, Section 11.12.002 Terms; To Remove Gasoline Service Station, Limited As A Permitted Use And Amend The Gasoline Service Station, General Permitted Use And Definition. *The Planning And Zoning Commission Voted 6-0 To Approve This Amendment.*

Amy Link, Planning Manager, addressed Council regarding the proposed amendment to remove gas stations as permitted uses in the Local Retail (LR) zoning district.

Councilmember Thomas inquired about the density for local retail and general retail.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.3 (Z-13-010) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 10.51 Acres From General Office (GO) To Planned Development (PD) For Property Located On Old Mill Road, West Of Lakeline Boulevard. *The Planning And Zoning Commission Voted 4-3 To Approve The Request, Conditional Upon Removal Of Permitted Uses In The Estate Lot (ES), Single Family Large Suburban Lot (SF-1), Single Family Large Urban Lot (SF-2) And Single Family Urban Lot (SF-3) From The PD.*

Amy Link, Planning Manager, addressed the Applicant's request to rezone from General Retail to Planned Development for 10.51 acres of land. The PD proposes to permit uses allowed in the Single Family-Estate Lot (ES), Single Family-Large Suburban Lot (SF-1), Single Family-Large Urban Lot (SF-2), Single Family-Urban Lot (SF-3), Condominium Residential (CD) and Townhome Residential (TH) districts. Staff has recommended retaining the General Retail zoning district. Staff's recommendation is based on the following factors: requested land uses are not compliant with the Neighborhood Office/Retail/Commercial Future Land Use designation; poor land use transition as tract is bounded by commercial property on both sides; the 1,400 plus medium and high density residential units planned or under development in close proximity to site; and GO could be supported by the residential development currently under development.

The Planning and Zoning Commission recommended approval of the PD conditional upon removal of land uses permitted in the Estate Lot (ES), Single Family Suburban Lot (SF-1), Single Family Large Urban Lot (SF-2) and Single Family Urban Lot (SF-3) zoning designations.

Councilmember Fuller inquired when the property was zoned General Office.

Councilmember Grimes inquired about similar collectors and what the area is zoned.

Mayor Powell opened the Public Hearing.

Bill McLean, representing the Applicant, addressed Council regarding the PD zoning and stated this request is appropriate for the area.

Councilmember Fuller inquired why a PD zoning was requested and not just standard zoning.

Jennie Braasch, Agent for landowner, addressed Council regarding the specific tract and the requested zoning.

Mayor Powell asked about the one public driveway.

Councilmember Grimes where the closet school was located.

Michael Garza, Dannenbaum Engr. Corp, addressed Council regarding the general traffic and vehicle trip analysis. A traffic impact study has not been conducted yet.

Public Comment:

The following people spoke in favor of the proposed zoning:

Rae Ann Doerr

John Swanson

Maria Kohler

James Rigal

The following people registered in favor of the proposed zoning but did not address Council:

James and Corrine Costabile

Adam Grandow

Kimberly Grandow

Councilmember Grimes inquired about the presented traffic statistics, where the traffic flow goes and the total amount of proposed units.

Bill McLean addressed the Council with closing comments.

Mayor Powell closed the Public Hearing

- E.4 (Z-13-012) First Reading And Public Hearing On An Ordinance To Rezone Approximately 66.75 Acres From Development Reserve (DR), Multifamily Residential (MF) And Local Retail (LR) To Single Family Urban Lot (SF-3), Multifamily Residential (MF) And General Retail (GR) For Property Located On The East Side Of Bagdad Road, South Of West New Hope Drive, In Williamson County, Texas. *The Planning And Zoning Commission Voted 6-0 To Recommend SF-3, MF And LR.***

Amy Link, Planning Manager, addressed Council regarding the applicant's request to rezone approximately 66.75 acres to 43.37 acres of Single Family Urban Lot (SF-3), 17.16 acres of Multifamily (MF), and 6.22 acres of General Retail (GR). The current zoning is Development Reserve (DR), Multifamily (MF) and Local Retail (LR).

Mayor Powell opened the Public Hearing.

Public Comment:

Kristiana Alfsen, Agent, and Tom Bobowski, Applicant, addressed Council regarding the rezoning request.

Rebecca Bigham inquired about the traffic on Bagdad, water usage, heritage trees, and a greenbelt for the neighbors.

Mayor Powell closed the Public Hearing

- E.5 (Z-13-016) First Reading And Public Hearing Of An Ordinance To Rezone Approximately 19.4 Acres From Open Space Recreation (OSR) To Planned Development (PD) For Property Located On 183A Toll Road, North Of East New Hope Drive. *The Planning And Zoning Commission Voted 6-0 To Approve The Request.*

Amy Link, Planning Manager, addressed Council regarding the request to rezone approximately 19.47 acres from Open Space Recreation (OSR) to Planned Development (PD). This area is located in the newly formed TIRZ #2 area. Ms. Link reviewed the permitted uses and stated the Entertainment Center Overlay will apply.

Mayor Powell inquired about the signage requirements.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.6 First Reading And Public Hearing Of An Ordinance Approving A Project And Financing Plan For Tax Increment Reinvestment Zone Number Two, City Of Cedar Park, Texas; Making Various Findings Related To Such Plan.

Josh Selleck, Assistant City Manager, addressed Council regarding the completion of TIRZ #2.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

- E.7 First Reading And Public Hearing Of An Ordinance Approving An Economic Development Agreement With Hicks Cedar Park, LLC For Tax Increment Reinvestment Zone Number Two, City Of Cedar Park, Texas.

Josh Selleck, Assistant City Manager, stated this Economic Development Agreement with Hicks Cedar Park, LLC is related to the development of property contained within the Tax Increment Reinvestment Zone Number Two.

Mayor Powell and Councilmember Fuller commented on having the right partners and a great center.

Mayor Powell opened the Public Hearing.

No Public Comment.

Mayor Powell closed the Public Hearing.

REGULAR AGENDA (NON-CONSENT)

- F.1 Final Reading/Public Hearing And Consideration To Approve An Ordinance Adopting A Municipal Operating Budget For The Fiscal Year Beginning October 1, 2013, And Ending September 30, 2014; Adopting A Municipal Capital Budget For The Fiscal Year Beginning October 1, 2013, And Ending September 30, 2014; Appropriating Funds In Accordance With The Budget; Providing For Effective Date And Ordaining Other Related Matters.

Agenda Items F.1, F.2 and F.3 called together.

Joseph Gonzales, Finance Director, addressed Council regarding the proposed FY2014 budget. This is the final reading. The budget is based on a tax rate of \$.4925/100 which is a lower tax rate from FY13.

This budget will raise more total property taxes than last year's budget by \$1,874,328 or 8.2%, and of that amount \$1,021,559 is tax revenue to be raised from new property added to the tax roll this year.

Mayor Powell opened the Public Hearings.

No Public Comment.

Mayor Powell closed the Public Hearings.

Motion to approve an amended Ordinance adopting the FY 2013-14 Budget for an Operating Budget appropriation of \$109,655,308 and total Capital Budget appropriation of \$32,167,100 with updated figures in Special Revenue Funds, Water CIP, and Wastewater CIP.

Movant: Councilmember Fuller

Second: Councilmember Thomas

Vote: 7-0

Ordinance Number BF49.13.09.12.F1

- F.2 Consideration Of A Motion to Ratify The Property Tax Revenue Increase Reflected in the Fiscal Year 2013-2014 Budget In Accordance With The Texas Local Government Code.

Agenda Items F.1, F.2 and F.3 called together.

Motion to ratify the property tax increase reflected in the budget.

(This motion is required by State Code due to the City is proposing a budget with an increase in property tax revenues and is not related to the tax rate).

Movant: Councilmember Fuller

Second: Councilmember Thomas

Vote: 7-0

- F.3 Final Reading/Public Hearing And Consideration To Approve An Ordinance To Consider A Tax Rate Of \$0.4925; Increase The Total Tax Revenues Of The City Of Cedar Park; And Levy Taxes For The Fiscal Year 2013/2014.

Agenda Items F.1, F.2 and F.3 called together.

Motion the property tax rate be increased by the adoption of a total tax rate of \$0.4925/100, with an operation and maintenance rate of \$ 0.252839/100 and an interest and sinking rate of \$0.239661/100, which is effectively a 2.7 percent increase in the tax rate.

Movant: Councilmember Thomas

Second: Councilmember Fuller

Roll Call Vote conducted:

Councilmember Thomas	Yes
Councilmember Fuller	Yes
Councilmember Grimes	Yes
Councilmember Moore	Yes
Councilmember Lux	Yes
Mayor Pro Tem Tracy	Yes
Mayor Powell	Yes

Motion passes 7-0.

Ordinance Number BF50.13.09.12.F3

- F.4 Consideration Of Appointment To Place One On The Cedar Park Community Development Corporation (Type B) Board With A Term To Expire October 2014. (Thomas)

Agenda Item F.4 called after Agenda Item A.7 City Manager Report

Kaden Norton introduced himself to the Council as an applicant for the Place Two position.

Motion to appoint Kaden Norton to Place Two on the Cedar Park Community Development Corporation (Type B) Board with a term to Expire October 2014.

Movant: Councilmember Thomas

Second: Councilmember Fuller

Vote: 7-0

- F.5 Consideration Of Appointment To Place Three On The Planning And Zoning Commission With A Term To Expire July 2015. (Grimes)

Agenda Item F.5 called after Agenda Item F.4

Motion to appoint Kevin Harris to Place Three on the Planning and Zoning Commission with a term to expire July 2015.

Movant: Councilmember Grimes

Second: Councilmember Moore

Vote: 7-0

- F.6 Consideration Of An "Adopt An Oak" Program. (Mayor Powell)

Agenda Item F.6 called after Agenda Item F.5

Mel Kirkland addressed the Council regarding the possible creation of a new program.

Curt Randa, Parks and Recreation Director, stated staff is researching other cities with similar programs for "Adopt An Oak".

- F.7 Update And Report On The Capital Area Council Of Governments ("CAPCOG") Executive Committee, General Assembly And The Capital Area Emergency Communications District Meetings Held On September 11, 2013. (Tracy)

Mayor Pro Tem Tracy provided a brief update on the meeting and said the Emergency Communications District has officially been created.

EXECUTIVE SESSION

In accordance with Chapter 551, Government Code, Vernon's Texas Code Annotated (V.T.C.A.) (Open Meetings Law), "The City Council may meet in a Closed Executive Meeting pursuant to provisions of the Open Meetings Law, Chapter 551, Government Code, V.T.C.A. in accordance with the authority contained in the following sections":

Council convened into Executive Session at 8:43 p.m.

- G.1 Section § 551.071 (2) Consultation With Attorney Regarding Matters In Which The Duty Of The Attorney To The Governmental Body Under The Texas Disciplinary Rules Of Professional Conduct Of The State Bar Of Texas Clearly Conflict With This Chapter:
- a. Legal Issues Concerning A Facility Lease Agreement Between The City Of Cedar Park And Hicks Sports Group, LLC.
 - b. Legal Issues Concerning Permitted Uses In The General Office ("GO") And Hospital ("H") Zoning Districts.
 - c. Legal Issues Concerning The Meet And Confer Agreement Between The City Of Cedar Park And The Cedar Park Professional Firefighters Association.
 - d. Legal Issues Concerning The Meet And Confer Agreement Between The City Of Cedar Park And The Cedar Park Police Association.
 - e. Legal Issues Concerning The Unified Development Agreement Between The City Of Cedar Park, Milestone Community Builders LLC, And Lakeline Fund, Ltd.
 - f. Legal Issues Concerning The Brushy Creek Regional Utility Authority Acquisition Of Site 8 For Phase Two Of The Regional Water Project.
 - g. Legal Issues Concerning Annexation Of Property Near Trails End Road And RM 1431.

The Council Reconvenes into General Session.

OPEN MEETING

Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

- H.1 Reconvene into Open Meeting and consider action, if any, on items discussed in Executive Session.

Council reconvened from Executive Session into Open Meeting at 9:40 p.m.

Motion to ratify the Meet and Confer Agreement between the City of Cedar Park and Cedar Park Police Association and authorize the Mayor to sign such agreement.

**Movant: Councilmember Lux
Second: Councilmember Fuller
Vote: 7-0**

Motion to ratify the Meet and Confer Agreement between the City of Cedar Park and Cedar Park Professional Firefighters Association and authorize the Mayor to sign such agreement.

**Movant: Councilmember Lux
Second: Councilmember Moore
Vote: 7-0**

Motion to authorize the City Manager to execute a Unified Development Agreement between the City of Cedar Park and Milestone Community Builders for the Lakeline at Old Mill Subdivision upon final approval of the City Attorney.

**Movant: Councilmember Grimes
Second: Councilmember Fuller
Vote: 7-0**

Motion to authorize staff to enter into a Lease Agreement with Hicks Sports Group, LLC. To use three of the City's "Free Rent Days" for a Texas Mission of Mercy event next summer.

**Movant: Councilmember Thomas
Second: Mayor Pro Tem Tracy
Vote: 7-0**

- H.2 Mayor and Council Closing Comments.

None.

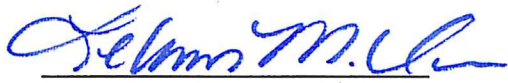
H.3 Adjournment.

Mayor Powell adjourned the meeting at 9:43 p.m.

PASSED AND APPROVED THIS 3rd DAY OF OCTOBER, 2013.


Matthew Powell, Mayor

ATTEST:


LeAnn M. Quinn, TRMC
City Secretary

